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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

*Protest*

FILE: B-202719

DATE: April 9, 1981

MATTER OF: Walsky Construction Co.

**DIGEST:**

[Protest concerning bidder's small business size status] is not for review by GAO since by law it is matter for decision by Small Business Administration.

Walsky Construction Co. protests the small business size status of Steenmeyer Corporation, which is in line for award of a contract by the Department of the Air Force pursuant to invitation for bids No. 655-81-B-0026, apparently a small business set-aside. The protester contends that Steenmeyer is not eligible for this award because of its affiliation with several other firms.

Under 15 U.S.C. § 637(b) (1976), the Small Business Administration (SBA) is empowered to conclusively determine matters of small business size status for Federal procurement and sales purposes. Therefore, this Office does not consider size status protests. See Bud Johnson Construction Co., Inc., B-192310, July 26, 1978, 78-2 CPD 74. Rather, under the regulations such protests are to be filed with the contracting officer within five days of bid opening, who forwards the protests to SBA for resolution. Defense Acquisition Regulation § 1-703(b)(1) (DAC 76-19).

The protest is dismissed.

*Harry R. Van Cleve*

Harry R. Van Cleve  
Acting General Counsel

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